

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiffs,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Case No. 1:23-CV-11195-SHS

**DECLARATION OF LUCKY VIDMAR IN SUPPORT OF MICROSOFT’S RESPONSE
TO THE NEW YORK TIMES COMPANY’S MOTION FOR LEAVE TO FILE UNDER
SEAL**

I, Lucky Vidmar, hereby declare as follows:

1. I have personal knowledge of the facts stated in this declaration and, if called upon as a witness, I would and could competently testify thereto. I submit this declaration in support of Microsoft’s Response to The New York Times Company’s (“NYT”) Motion for Leave to File Under Seal (ECF No. 318) filed in connection with NYT’s letter motion to compel (“Letter Motion”) (ECF No. 322).

2. I am Associate General Counsel and I lead Microsoft’s IP and AI litigation team. I have been at Microsoft since June 2020. In this role, I am responsible for the overall conduct of discovery and factual investigation for this case. I am also part of a team at Microsoft that provides legal guidance to the business on the development of our generative AI tools in connection with managing litigation and regulatory risk.

3. NYT’s Letter Motion and its Exhibits 3 and 4 contain nonpublic, confidential information about ongoing workstreams between Microsoft and OpenAI. Specifically, Exhibits 3 and 4 are documents discussing the terms of and ongoing work pursuant to Microsoft’s agreement

with OpenAI that are confidential and highly sensitive to Microsoft and Microsoft only shares the information revealed in these documents on a need-to-know basis whether internally or externally with proper non-disclosure protections in place. Disclosure of such information, including the descriptions of these document contained in the Letter Motion, to the public would be harmful to Microsoft because they reflects highly sensitive and confidential business strategy and decision-making that, if disclosed, could harm Microsoft's competitive advantage and its business relationships.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 20, 2024 at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Lucky Vidmar", is positioned above a horizontal line.

Lucky Vidmar